Acts and Laws,

Passed by the Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New England*: Begun and Held at *Boston* upon Wednesday the twenty-ninth Day of *May* 1745.

CHAP. I.

An Act for granting unto His Majesty an Excise upon Wines and Spirits distilled, Sold by Retail, and upon Limes and Lemmons.

Preamble.

WE His Majesty's most loyal and dutiful Subjects, the Representatives of the Province of the Massachusetts-Bay, *in General Court assembled, being desirous to lessen the present Debt of the Province, by drawing in a Number of the Bills of Credit, have chearfully and unanimously granted, and do hereby give and grant unto His most excellent Majesty for the Ends and Uses above-mentioned, and for no other Uses, an Excise upon all Brandy, Rum, and other Spirits distilled, and upon all Wines whatsoever sold by Retail, and upon Lemmons and Limes taken in and used in making of Punch or other Liquors mixed for Sale, or otherwise consumed in Taverns, or other licensed Houses within this Province, to be raised, levied, collected, and paid by and upon every Taverner, Innholder, common Victualler and Retailer within each respective County, in Manner following:*

Excise granted for three Years.

And be it accordingly enacted by the Governour, Council and House of Representatives, That from and after the twenty-ninth Day of *June*, One Thousand seven Hundred and forty five, for the Space of three Years, every Person licensed for retailing Brandy, Rum, or other Spirits, or Wine, shall pay the Duties following: For every Gallon of Brandy, Rum and Spirits distilled, *three Pence*; for every Gallon of Wine of every Sort, *three Pence*; for every Hundred of Lemmons *two Shillings and a Penny*; for every Hundred of Limes, *nine Pence*; and so proportionably for any other Quantity or Number.

Rates of Excise.

Taverners &c. to take an Account of Liquors, &c. and give an Account thereof to the Farmers to be appointed.

And be it further enacted, That every Taverner, Innholder, common Victualler and Retailer, ſhall upon the ſaid twenty-ninth Day of *June* take an exact Account of all Brandy, Rum, and other diſtilled Spirits, and Wine, and of all Lemmons and Limes then by him or her, and give an Account of the ſame (upon Oath, if required) unto the Perſon or Perſons to whom the Duties of Exciſe in the reſpective Counties ſhall be lett or farmed, as in and by this Act is hereafter directed; and ſuch other Perſon as ſhall be licenſed during the Continuance of this Act, ſhall alſo give an Account upon Oath as aforeſaid, of what Brandy, Rum, and other diſtilled Spirits, and Wine, and of what Lemmons or Limes he or they ſhall have by him or them at the Time of his or their Licence, which Oath the Perſon or Perſons farming the Duties aforeſaid, ſhall have Power to adminiſter in the Words following, *viz.*

Oath.

YOU A. B. *do ſwear, that the Account exhibited by you is a true and juſt Account of all Brandy, Rum, and other diſtilled Spirits, and Wine, Lemmons and Limes you had by you on the twenty-ninth Day of* June *laſt*. So help you GOD.

And where ſuch Perſon ſhall not have been licenced on ſaid twenty-ninth Day of *June*, the Form of the Oath ſhall be ſo far varied, as that inſtead of thoſe Words, *On the twenty-ninth Day of* June *laſt*, theſe Words ſhall be inſerted and uſed, *At the Time of taking your Licence.*

Within ſix Months Accounts to be delivered.

And be it further enacted, That every Taverner, Innholder, common Victualler, and Retailer, ſhall make a fair Entry in a Book of all ſuch Rum, Brandy, and other diſtilled Spirits, and Wine, as he or they, or any for him or them ſhall buy, diſtil, or take in for Sale after ſuch Account taken, and of all Lemmons and Limes taken in and conſumed or uſed as aforeſaid, and at the End of every ſix Months deliver the ſame in Writing under their Hands to the Farmer or Farmers, of the Duties aforeſaid, who are impowered to adminiſter an Oath to him or them that the ſaid Account is *bonâ fide*, juſt and true, and that he or they do not know of any Brandy, Rum, or other diſtilled Spirits, or Wine, ſold directly or indirectly, or of any Lemmons or Limes uſed in Punch, or otherwiſe by him or them, or any under him or them, or by his or their Privity or Conſent, but what is contained in the Account now exhibited, and ſhall pay him the Duty thereof, excepting ſuch Part as the Farmer ſhall find is ſtill remaining by him or them; *twenty per Cent.* to be allowed on the Liquors afore-mentioned for Leakage and other Waſte, for which no Duty is to be paid.

Twenty per Cent. allowed for Leakage.

Proviſo.

Provided always, and it is the true Intent and Meaning of this Act, That if any Taverner, Retailer, or common Victualler, ſhall buy of another Taverner or Retailer ſuch ſmall Quantity of Liquors as this Act obliges him to account for to the Farmer and pay the Exciſe, the Taverner, Retailer or common Victualler ſhall notwithſtanding be accountable and pay the Exciſe, as if none had been paid by the Perſon he bought the ſame of.

Penalty on giving a falſe Account.

And be it further enacted, That every Taverner, Innholder, common Victualler, or Retailer, who ſhall be found to give a falſe Account of any Brandy, diſtilled Spirits, Wine, or other the Commodities aforeſaid, by him or her on the ſaid twenty-ninth of *June*, or at the Time of his or her taking Licence, or bought, diſtilled, or taken in for Sale afterwards, or uſed as aforeſaid, or refuſe to give in an Account on Oath as aforeſaid, ſhall be rendered incapable of having a Licence afterwards, and ſhall be proſecuted by the Farmer of the Exciſe in the ſame County for his or her Neglect, and ordered by the General Seſſions of the Peace to pay double the Sum of Money as they may judge that the Exciſe of Liquors, *&c.* by him or her ſold within ſuch Time, would have amounted to, to be paid to the ſaid Farmer.

And be it further enacted, That the Justices in their General Sessions of the Peace shall take Recognizances, with sufficient Sureties, of all Persons by them licenced, both as to their keeping good Rule and Order, and duly observing the Laws relating to Persons so licenced, and for their duly and truly rendering an Account in Writing under their Hands as aforesaid, and paying their Excise in Manner as aforesaid; as also that they shall not use their Licence in any House besides that wherein they dwell, which Recognizance shall be taken within the Space of thirty Days after the granting of such Licence, otherwise the Persons licenced shall lose the Benefit of his or her said Licence, and no Person shall be licenced by the said Justices that hath not accounted with the Farmer, and paid him the Excise due to him from such Person at the Time of his asking for such Licence. General Sessions to take Recognizance.

And whereas notwithstanding the Laws made against selling strong Drink without Licence, many Persons not regarding the Penalties and Forfeitures in the said Act, do receive and entertain Persons in their Houses, and sell great Quantities of Spirits and other strong Drink, without Licence so to do, first had and obtained, by Reason whereof great Debaucheries are committed and kept secret, the End of this Law in a great Measure frustrated, and such as take Licences and pay the Excise greatly wronged and injured: Preamble.

Be it therefore further enacted, That whosoever after the said twenty-ninth Day of *June*, One Thousand seven Hundred and forty five, shall presume directly or indirectly, to sell any Brandy, Rum, or other distilled Spirits, Wine, Beer, Cyder, Perry, or any other strong Drink, in any smaller Quantity than a Quarter Cask, (twenty Gallons to be accounted a Quarter Cask, and all delivered to one Person without drawing any Part of it off) without Licence first had and obtained from the Court of General Sessions of the Peace, and recognizing in Manner as aforesaid, shall forfeit and pay for each Offence the Sum of *three Pounds* to the Farmer, and Costs of Prosecution; and all such as shall refuse or neglect to pay the Fine aforesaid, shall stand closely and strictly committed in the common Goal of the County for three Months at least, and not to have the Liberty of the Goaler's House or Yard; and any Goaler giving any Person Liberty contrary to this Act, shall forfeit and pay *three Pounds*, and pay Costs of Prosecution as aforesaid: And if any Person or Persons not licenced as aforesaid, shall order, allow, permit, or connive at the selling of any strong Drink, contrary to the true Intent or Meaning of this Act, by his or her Child or Children, Servant or Servants, or any other Person or Persons belonging to or in his or her House or Family, and be thereof convict, he she or they shall be reputed the Offender or Offenders, and shall suffer the same Penalties as if he she or they had sold such Drink themselves. Forfeiture of *l.* 3 for selling without Licence.

And be it further enacted, That when any Person shall be complained of for selling any strong Drink without Licence, one Witness produced to one such Fact, and another produced to another, shall be sufficient Conviction, provided there be not more than the Space of forty Days between the Facts concerning which such Witnesses declare. And when and so often as it shall be observed that there is a Resort of Persons to Houses suspected to sell strong Drink without Licence, any Justice of the Peace shall have full Power to convene such Persons before him, and examine them upon Oath concerning the Person suspected of selling or retailing strong Drink in such Houses, Out-Houses, or other Dependencies thereof, and on just Ground to bind over the Person suspected, and the Witnesses, to the next Court of General Sessions of the Peace for the County where such Person shall dwell. One Evidence sufficient.

And be it further enacted, That if any Person or Persons shall be summoned to appear before a Justice of the Peace, or the Grand Jury, to give Evidence

Penalty on Perſons refuſing to give Evidence.

vidence relating to any Perſons ſelling ſtrong Drink without Licence, or to appear before the Court of General Seſſions of the Peace, or other Courts proper to try the ſame, to give Evidence on the Trial of any Perſon informed againſt, preſented or indicted for the ſelling ſtrongDrink without Licence, and ſhall neglect or refuſe to appear, or to give Evidence in that Behalf, everyPerſon ſo offending ſhall forfeit the Sum of *twenty Pounds*, the one Half to be for his Majeſty, the other Half to and for the Uſe of him or them who ſhall ſue for the ſame as aforeſaid: And when it ſhall ſo happen that Witneſſes are bound to Sea before the ſitting of the Court where any Perſon or Perſons informed againſt for ſelling ſtrong Drink without Licence, is or are to be proſecuted for the ſame, in every ſuch Caſe, the Depoſition of any Witneſs or Witneſſes in Writing, taken before any two of his Majeſty's Juſtices of the Peace, *Quorum Unus*, and ſealed up and delivered intoCourt, (the adverſeParty having firſt had a Notification in Writing ſent to him or her of the Time and Place of Caption) ſhall be eſteemed as ſufficient Evidence in the Law to convict any Perſon or Perſons offending againſt this Act, as if ſuch Witneſs or Witneſſes had been preſent at theTime of Trial,and given his her or theirDepoſition *viva voce*; and every Perſon or Perſons who ſhall be ſummoned to give Evidence before two Juſtices of the Peace in Manner as aforeſaid, and ſhall neglect or refuſe to appear or to give Evidence relating to the Facts he or ſhe ſhall be inquired of, ſhall be liable and ſubject to the ſame Penalty as he or ſhe would have been by Virtue of this Act, for not appearing or neglecting or refuſing to give his or her Evidence before the Grand Jury or Court as aforeſaid.

How Fines ſhall be recovered.

And be it further enacted, That all Fines, Forfeitures and Penalties, ariſing by this Act ſhall and may be recovered by Preſentment of the Grand Jury at the Court of Seſſions, or by Bill, Plaint, Complaint or Information, where the Sum forfeited does not exceed *three Pounds*, before any one of his Majeſty's Juſtices of the Peace in the reſpective Counties where ſuch Offence ſhall be committed; which ſaid Juſtice is hereby impowred to try and determine the ſame; and ſuch Juſtice ſhall make a fair Entry or Record of all ſuch his Proceedings: Saving always to any Perſon or Perſons who ſhall think him her or themſelves aggrieved by the Sentence orDetermination of the ſaid Juſtice as aforeſaid, Liberty of Appeal therefrom to the next Court of GeneralSeſſions of the Peace to be holden in and for ſaid County, at which Court ſuch Offence ſhall be finally determined; provided that in ſaid Appeal the ſame Rules be obſerved as are already by Law required in Appeal from Juſtices to the Court of General Seſſions of the Peace.

And to the End theRevenue ariſing from the aforeſaid Duties of Exciſe may be advanced for the greater Benefit and Advantage of the Publick:

Perſons choſen by the General Court have Power to Farm out the Exciſe.

Be it further enacted, That one or more Perſons to be nominated and appointed by the General Court for and within the ſeveral Counties within this Province, (timely publick Notice being firſt given of the Time Place andOccaſion of their Meeting) ſhall have Power, and are hereby authorized from Time to Time to contract and agree with any Perſon for or concerning the Farming the Duties in this Act mentioned, upon Brandy, Rum, or other the Liquors and Commodities aforeſaid, in the reſpective Counties for which they ſhall be appointed, as may be for the greateſt Profit and Advantage of the Publick, ſo as the ſame exceed not the Term of three Years after the Commencement of this Act: And every Perſon to whom the Duties of Exciſe in any County ſhall be Let or Farmed, ſhall have Power to inſpect the Houſes of all ſuch as are Licenced, and of ſuch as are ſuſpected to ſell without Licence, and to demand, ſue for, and recover the Exciſe due from licenced Perſons by Virtue of this Act.

And

And be it further enacted, That the Farmer ſhall give Bond (with two ſufficient Sureties) to the Province Treaſurer for the Time being, and his Succeſſors in ſaid Office, in double the Sum of Money that ſhall be contracted for, with Condition that the Sum agreed be paid into the Province Treaſury for the Uſe of the Province, at the Expiration of one Year from the Date of ſuch Bond, which Bond the Perſon or Perſons to be appointed as aforeſaid a Committee for ſuch County are to take, and the ſame to lodge with the Treaſurer aforeſaid, within twenty Days after ſuch Bond is executed, and the ſaid Treaſurer upon Failure or Neglect of Payment at the Time therein limitted, ſhall and hereby is impowred and directed to put ſuch Bond in ſuit, and to receive the Money due thereon for the Uſe aforementioned; and the ſaid Committees ſhall render an Account of their Proceedings touching the farming this Duty on Rum, Wine, and other the Liquors and Species aforeſaid in their reſpective Counties to the General Court in the firſt Week of their Fall Seſſions, and ſhall receive ſuch Sum or Sums for their Trouble and Expences in ſaid Affair as ſaid Court ſhall think fit to allow them.

Farmers to give Bond with Sureties to the Province Treaſurer.

And every Perſon farming the Exciſe in any County may ſubſtitute and appoint one or more Deputies under him upon Oath, to collect and receive the Exciſe aforeſaid, which ſhall become due in ſuch County, and pay in the ſame to the Farmer; which Deputy or Deputies ſhall have uſe and exerciſe all ſuch Powers and Authorities as in and by this Act is given or committed to the Farmers for the better collecting the Duties aforeſaid, or proſecuting of Offenders againſt this Act.

Farmers may conſtitute Deputies.

And be it further enacted, any Thing herein before contained to the contrary notwithſtanding, that it ſhall and may be lawful to and for the ſaid Farmers and every of them, to compound and agree with any Retailer or Innholder within their reſpective Diviſions from Time to Time for his or her Exciſe for the whole Year in one entire Sum, as they in their Diſcretion ſhall think fit to agree for, without making any Entry thereof, as is before directed; and all and every Perſon or Perſons, to whom the ſaid Exciſe or any Part thereof ſhall be Let or Farmed by themſelves or their lawful Subſtitutes, may and hereby are impowred to ſue for and recover in any of His Majeſty's Courts of Record, or before a Juſtice of the Peace where the Matter is not above his Cognizance, any Sum or Sums that ſhall grow due from any of the aforeſaid Duties of Exciſe, where the Party or Parties for whom the ſame is or ſhall become due, ſhall refuſe or neglect to pay the ſame.

Farmers may compound and agree with Retailers or Innholders for their whole Exciſe by the Year.

And be it further enacted, That in Caſe any Perſon farming the Exciſe as aforeſaid, or his Deputy, ſhall at any Time during their Continuance in ſaid Office, wittingly and willingly connive at or allow any Perſon or Perſons within their reſpective Diviſions (not licenced by the Court of General Seſſions of the Peace) their ſelling any Brandy, Wine, Rum, or other Liquors by this Act forbidden, ſuch Farmer or Deputy for every ſuch Offence, ſhall forfeit the Sum of *fifty Pounds*, one Half whereof ſhall be to his Majeſty for the Uſe of the Province, the other Half to him or them that ſhall inform or ſue for the ſame, and ſhall thenceforward be for ever diſabled from ſerving in ſaid Office.

Penalty for Farmers conniving at Perſons not licenſed ſelling ſtrong Drink.

CHAP. II.

An Act for granting the Sum of *fifteen Hundred Pounds* for the Support of His Majesty's Governour.

BE it enacted by the Governour, Council and House of Representatives, That the Sum of *fifteen Hundred Pounds*, in Bills of Credit of the last Emission, be and hereby is granted unto His most excellent Majesty, to be paid out of the publick Treasury to His Excellency *WILLIAM SHIRLEY*, Esq; Captain General and Governour in Chief in and over His Majesty's Province of the *Massachusetts-Bay*, for his past Services, and further to enable him to manage the publick Affairs of the Province: The aforesaid Sum of *fifteen Hundred Pounds* shall be paid out of the next general Supply Bill that shall be hereafter agreed on and pass'd by this Court.

CHAP. III.

An Act for granting a Sum for the Pay of the Members of the Council and House of Representatives in General Court assembled, and for establishing the Wages &c. of sundry Persons in the Service of the Province.

Pay of the Members of the Council.

BE it enacted by the Governour, Council and House of Representatives, That from the Beginning of the present Session of the General Court unto the End of their several Sessions till *May* next, each Member of the Council shall be intitled to *four Shillings and six Pence* per Diem, to be paid out of the publick Treasury by Warrant according to the Direction of the Royal Charter, upon Certificate given of the Number of Days of such Members Attendance and Travel to and from the Court, twenty Miles to be accounted a Day's Travel.

Pay of the Representatives.

And be it further enacted, That each Member of the House of Representatives serving the Time aforesaid, shall be paid *three Shillings* per Diem, upon Certificate given by the Clerk of the House of Representatives of the Number of Days of such Members Attendance and Travel to and from the Court, twenty Miles to be accounted a Day's Travel.

Pay of the Officers and Soldiers at Castle *William*.

And be it further enacted, That the Wages of the Captain of Castle *William* shall be after the Rate of *sixty Pounds* per Annum from the twentieth Day of *March* one Thousand seven Hundred and forty four, to the twentieth Day of *November*, one Thousand seven Hundred and forty five; of the Lieutenant for that Term *forty Pounds*; of the Chaplain *forty Pounds*; of the Gunner *fifty Pounds*; of the Gunner's Mate *forty Shillings* per Month; of four Serjeants each *thirty Shillings* per Month; and of six Quarter Gunners each *thirty Shillings* per Month; of six Corporals each *twenty six Shillings and six Pence* per Month; two Drummers each *twenty six Shillings and six Pence* per Month; of one Armourer *forty Shillings* per Month; of forty Centinels each *twenty two Shillings and six Pence* per Month; for their Subsistence *six Shillings and three Pence* per Week per Man.

And

And be it further enacted, That the Wages of the Captain of *Richmond* Fort from the twentieth Day of *March* one Thouſand ſeven Hundred and forty four, to the twentieth Day of *November* one Thouſand ſeven Hundred and forty five, ſhall be at the Rate of *forty Shillings* per Month; of one Serjeant *twenty five Shillings* per Month; of one Corporal *twenty four Shillings* per Month; of one Armourer *thirty Shillings* per Month; and for the Chaplain *twenty five Pounds* per Annum; of one Interpreter *fifteen Shillings* per Month being a Centinel; and of twenty Centinels *twenty two Shillings and ſix Pence* per Month. *Richmond* Fort.

And be it further enacted, That the Wages of the Captain of the Truck-Houſe on *George's River* from the twentieth Day of *March* one Thouſand ſeven Hundred and forty four, to the twentieth Day of *November* one Thouſand ſeven Hundred and forty five, ſhall be at the Rate of *forty Shillings* per Month; of one Lieutenant *twenty ſix Shillings* per Month; of one Serjeant *twenty five Shillings* per Month; of two Corporals each *twenty four Shillings* per Month; of thirty three Centinels each *twenty two Shillings and ſix Pence* per Month; of one Armourer *fourteen Shillings* per Month (he being Lieutenant); of one Interpreter *thirty Shillings* per Month; and of the Chaplain there *twenty five Pounds* per Annum. *George's* River.

And be it further enacted, That the Wages of the commanding Officer at Fort *Brunſwick* from the twentieth Day of *March* one Thouſand ſeven Hundred and forty four, to the twentieth Day of *November* one Thouſand ſeven Hundred and forty five, ſhall be at the Rate of *forty Shillings* per Month; of eleven Centinels each *twenty two Shillings and ſix Pence* per Month; one Serjeant at *twenty five Shillings* per Month. *Brunſwick* Fort.

And be it further enacted, That the Wages of one Serjeant at the Truck-Houſe at *Saco* from the twentieth Day of *March* one Thouſand ſeven Hundred and forty four, to the twentieth Day of *November* one Thouſand ſeven Hundred and forty five, ſhall be at the Rate of *thirty Shillings* per Month; and of one Corporal *twenty four Shillings* per Month; of twelve Centinels each *twenty two Shillings and ſix Pence* per Month. *Saco* Truck-Houſe.

And be it further enacted, That the Wages of the commanding Officer at *Frederick* Fort from the twentieth Day of *March* one Thouſand ſeven Hundred and forty four, to the twentieth Day of *November* one Thouſand ſeven Hundred and forty five, be at the Rate of *forty Shillings* per Month; and of the Chaplain there *fifteen Pounds* per Annum; and of twenty one Centinels each *twenty two Shillings and ſix Pence* per Month. *Frederick* Fort.

And be it further enacted, That the Wages of the Captain of the Sloop in the Country's Service from the twentieth Day of *March* one Thouſand ſeven Hundred and forty four to the twentieth Day of *November* one Thouſand ſeven Hundred and forty five, ſhall be at the Rate of *fifty Shillings* per Month; of the Mate *thirty Shillings* per Month; of eight Sailors each *twenty five Shillings* per Month; for the Sloop *ſeven Pounds ten Shillings* per Month. Country Sloop.

And be it further enacted, That before Payment of any Muſter-Roll be allowed, Oath be made by the Officer or Perſon preſenting ſuch Roll, that the Officers and Soldiers born on ſuch Roll have been in actual Service for the whole Time they ſtand entred thereon. Oath to be made &c.

CHAP.

CHAP. IV.

An Act for encouraging the killing of Wolves, Bears, Wild-Cats and Cattamounts, within this Province.

Premium allowed for killing Wolves, Bears, Wild-Cats & Cattamounts.

BE it enacted by the Governour, Council and House of Representatives, That whosoever hath since the twenty-fourth of *April* last, or shall from and after the Publication of this Act, kill any grown Wolf, Bear, Wild-Cat, or Cattamount, or any Wolfs, Wild-Cat, or Cattamounts Whelps or Bears Cubbs, under one Year old (and other than such as shall be taken out of the Belly of any Female Bear Wolf, Wild Cat or Cattamount) within this Province, and bring the whole Head thereof unto the Constable of the Town in which such Wolf, Bear, Wild-Cat or Cattamount, or Wolf's, Wild-Cat's or Cattamount's Whelps or Bear's Cubb shall be killed, or to the Constable of the Town next adjacent unto the Place where the same was killed without the Bounds of any Township, the Constable in the Presence of one or more of the Select-men shall cut both the Ears off the same, and such Selectman or Men and Constable, shall give the Party a Receipt for the said Head, expressing whether it be in their Judgment a grown Wolf, Bear, Wild Cat or Catamount, or Wolf's Wild-Cat or Cattamount's Whelp or Bear's Cubb, and upon producing such Receipt, the Party shall be paid and allowed by the Select-men or Treasurer of such Town out of the Town Stock for the same, the following Premiums, and no other, *viz.* the Sum of *forty Shillings* in the Bills last emitted by this Court, or other Bills of this Province equivalent thereto, for a Wolf, and for a Wolf's Whelp, the Sum of *thirteen Shillings and four Pence*, for a Cattamount *fifty Shillings*, for a Cattamount's Whelp *twenty five Shillings*, and for every Bear that shall be killed from the first of *April* to the last of *August* yearly *ten Shillings*, for every Bear's Cubb killed during that Season *five Shillings*, for a Wild-Cat the Sum of *six Shillings*, and the Sum of *three Shillings* for every Wild-Cat's Whelp: And all such Payments so made, shall be allowed by the Treasurer and Receiver General of this Province, upon his receiving a Certificate under the Hands of a major Part of the Select-men in such Town and Town-Treasurer (where any such be) or Town Clerk, expressing the same, which Certificate shall be in the following Form, *Viz.*

Form of the Certificate.

Mr. Treasurer,

THIS *may Certify that there hath been paid out of the Town Stock of* A. *for grown Wolves (Bears, wild Cats or Cattamounts, and Wolves, Wild-Cats or Cattamounts Whelps or Bears Cubs) killed in or near this Town since the Day of last past, and the Heads thereof brought unto our Constable or Constables, and the Ears cut off in the Presence of some of our Selves, as the Law directs, and so certified unto us; in the whole the Sum of* Pounds; *which Sum we desire you to allow to our Town by paying the same unto our Town Treasurer. Dated in aforesaid the Day of* Anno Domini, 17

} Select-Men
Town-Treasurer
or Town-Clerk.

Province Treasurer to provide Certificates.

And be it further enacted, That the Treasurer do cause a competent Number of blank Certificates in the Form aforesaid, to be printed at the publick Charge, and affix his own Seal thereto, and is hereby ordered to deliver so many unto the Select-Men of each Town or Place respectively, or some one of them, as shall be necessary for the Use of such Town or Place.

Inhabitants to be assess'd for the Premiums.

And

And be it further enacted, That the Select-Men of each Town respectively shall be and hereby are sufficiently authorized and impowred to assess the Inhabitants of their Town yearly in due Proportion as near as they can, such Sum and Sums as they shall judge necessary to answer the Payments to be made out of the Town Stock as aforesaid, together with the other Charges of the Town, and to cause the same to be collected in Manner as is by Law directed for the gathering of Town Rates. Inhabitants to be assess'd for the Premiums.

And for preventing any Persons receiving a Præmium for any grown or young Wolf, Bear, Wild-Cat or Catamount, killed without the Bouuds of this Province:

Be it enacted, That when and so often as any Person shall bring the Head of any grown or young Wolf, Bear, Wild-Cat, or Cattamount, to the Constable of any Town or District within this Province; and it be suspected that it was not killed within the same, such Person shall not be intitled to the Reward in this Act provided, until he makes Oath before one of his Majesty's Justices of the Peace, or Select-men of the Town (in such Town where no Justice of the Peace dwells, who are hereby impowred to administer the same) that such Wolf, Bear, Wild-Cat or Cattamount, was *bona fide* killed within this Province. Oath to be made that the Creatures were killed within the Province.

And be it further enacted, That if any Indian shall kill any Wolf, Bear, Wild-Cat or Cattamount, or Wolves, Wild-Cats or Cattamounts Whelps or Bear's Cub within this Province, he shall be intitled to the same Reward in this Act provided for killing thereof, in Case such Indian bring the Head of such Wolf, Bear, Wild-Cat or Cattamount, or Wolf's, Wild-Cat's or Cattamount's Whelp, or Bear's Cubb to a Constable, and satisfy the Select-Men of the Town where the same is brought, that it was killed within this Province. Indians to be intitled to the Premiums.

This Act to continue and be in Force for the Space of five Years from the Publication thereof and no longer. Limitation.

CHAP. V.

An Act for supplying the Treasury with the Sum of *Seventy Thousand Pounds* for discharging the publick Debts, &c. and for drawing in the said Bills into the Treasury again.

Be it enacted by the Governour, Council and House of Representatives, That the Treasurer be and hereby is impowred and ordered to emit and issue forth the Sum of *Seventy Thousand Pounds* in Bills of Credit of the last Tenor and Date now lying in his Hands, and receiv'd in for Taxes, Impost and Excise, which shall pass in all publick Payments equal to other new Tenor Bills, emitted since one Thousand seven Hundred and forty, or if there shall not be a sufficiency of such Bills, that then the Committee appointed by this Court for signing Bills, are hereby directed and impowred to take care and make effectual Provision as soon as may be to imprint the said Bills, or so many as may be needed to compleat the said Sum, and to sign and deliver the same to the Treasurer, taking his Receipt for the same; and the said Committee shall be under Oath for the faithful Performance of the Trust by this Act reposed in them: And the said Sum of *Seventy* 70,000 *l.* Bills of Credit to be emitted.

Thousand

Thousand Pounds shall be issued out of the Treasury in Manner and for the Purposes following, *viz.* The Sum of *five Thousand Pounds* part of the aforesaid Sum of *seventy Thousand Pounds* be applied for the Payment of Wages that now are or that hereafter may be due by Virtue of the Establishment of Castle *William*, *Frederick* Fort, *Richmond* Fort, *George*'s Truck-House, *Saco* Truck-House, *Brunswick* Fort, the Sloop in the Country's Service, and the Treasurer's usual Disbursements; and the Sum of *six Thousand Pounds* part of the aforesaid Sum of *seventy Thousand Pounds* shall be applied for putting the Province into a better Posture of Defence, for compleating the Repairs of Castle *William* and other Forts, for paying of such Officers and Soldiers as have done Service for the Province, whose Wages are now due; which Officers and Soldiers shall be paid out of this Appropriation preferable to any other Service, and for such Officers and Soldiers as are and may be in the Province Service, according to the several Establishments for that Purpose, for purchasing all needful Warlike Stores for the several Forts and Garrisons within this Province, pursuant to such Grants as are or shall be made by this Court for those Purposes; and the Sum of *eleven Thousand five Hundred Pounds*, Part of the aforesaid Sum of *seventy Thousand Pounds* for the Payment of his Majesty's Council, and such other Grants as are or shall be made by this Court; and for the Payment of Stipends, Bounties and Premiums, established by Law; and for the Payment of all other Matters and Things which this Court have or shall either by Law or Orders provide for the Payment of out of the publick Treasury, and for no other Purpose whatsoever: the Sum of *one Thousand Pounds*, Part of the aforesaid Sum of *seventy Thousand Pounds*, shall be applied for the discharge of other Debts owing from this Province to Persons that have served or shall serve them by Order of this Court in such Matters and Things where there is no Establishment, nor any certain Sum assigned for such Service, and for Paper, Printing and Writing for this Court, the Expences of the Committees of Council or of the House or of both Houses, the Surgeon of Castle *William*, and Wooding of said Castle; and the Sum of *two Thousand four Hundred Pounds*, Part of the aforesaid Sum of *seventy Thousand Pounds*, shall be applied for the Payment of the House of Representatives serving in the General Court during their several Sessions this present Year: And the Sum of *forty three Thousand eight Hundred Pounds*, Part of the aforesaid Sum of *seventy Thousand Pounds*, shall be applied to defray the Charges of the Expedition against his Majesty's Enemies at *Cape Breton* and Parts adjacent.

5000 *l.* for Wages at Castle *William* and other Garrisons &c.

7000 *l.* for putting the Province into a better Posture of Defence &c.

11500 *l.* for Payment of his Majesty's Council, and other Grants &c.

1000 *l.* for Debts where there is no Establishment.

2400 *l.* for the Pay of the Representatives.

43800 *l.* for the Charges of the Expedition against *Cape-Breton*.

And whereas there are sometimes publick Entertainments, and from Time to Time contingent and unforeseen Charges that demand prompt Payment:

Be it further enacted, That the Sum of *three hundred Pounds*, the remaining Part of the aforesaid Sum of *seventy Thousand Pounds*, be applied to defrey and pay such Entertainments and contingent Charges, and for no other Use whatsoever.

300 *l.* for Entertainments &c.

And be it enacted, That if there be a Surplusage in any Sum appropriated, such Surplusage shall lie in the Treasury for the further Order of this Court.

Surplusage to lie in the Treasury.

And be it further enacted, That each and every Warrant for drawing Money out of the Treasury shall direct the Treasurer to take the same out of such Sums as are respectively appropriated for the Payment of such publick Debts as the Draughts are made to discharge; and the Treasurer is hereby directed and ordered to pay such Money out of such Appropriation as directed to and no other, upon pain of refunding all such Sum or Sums as he shall otherwise pay, and to keep exact and distinct Accompts of all Payments made out of such appropriated Sums; and the Secretary to whom it belongs to keep the Muster-Rolls and Accompts of Charge, shall lay before the House when they direct all such Muster-Rolls and Accompts after Payment thereof.

Warrants to express the Appropriations.

And

And as a Fund and Security for drawing the said Sum of seventy Thousand Pounds *into the Treasury again :*

Be it further enacted, That there be and hereby is granted unto his most excellent Majesty for the Ends and Uses aforesaid, a Tax of *thirty three Thousand eight Hundred Pounds*, to be levyed on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same, as shall be agreed upon and ordered by this Court at their Session in *May* one Thousand seven Hundred and fifty one, and paid into the publick Treasury on or before the last Day of *December* then next after. 33800 *l.* in 1751.

And as a further Fund and Security for drawing in the said Sum of seventy Thousand Pounds *into the Treasury again :*

Be it further enacted, That there be and hereby is granted unto his most excellent Majesty for the Ends and Uses aforesaid, a Tax of *thirty three Thousand eight Hundred Pounds*, to be levyed on Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion on the several Towns and Districts within the same, as shall be agreed upon and ordered by this Court at their Session in *May* one Thousand seven Hundred and fifty two, and paid into the publick Treasury on or before the last Day of *December* then next after. 33800 *l.* in 1752.

And as a Fund and Security for drawing in such Sum or Sums as shall be paid out to the Representatives of the several Towns :

Be it enacted, That there be and hereby is granted unto his most excellent Majesty a Tax of such Sum or Sums as shall be paid to the several Representatives as aforesaid, to be levied and assessed on the Polls and Estates of the Inhabitants of the several Towns, according to what their several Representatives shall so receive, which Sums shall be set on the Towns in the next Province Tax ; and the Assessors of the said Towns shall make their Assessment for this Tax, and apportion the same according to the Rules that shall be prescribed by the Act of the General Assembly for assessing the next Province Tax ; and the Constables in their respective Districts shall pay in the same when they pay in the Province Tax for the next Year, of which the Treasurer is hereby directed to keep a distinct and seperate Account, and if there be any Surplusage the same shall lie in the Hands of the Treasurer for the further Order of this Court. Tax to be made for what is paid the Representatives.

And be it further enacted, That in Case the General Court shall not at their Session in *May* one Thousand seven Hundred and fifty one, and one Thousand seven Hundred and fifty two, agree and conclude upon an Act apportioning the Sum which by this Act is engaged shall be in those Years apportioned assessed and levied, that then and in such Case each Town and District within this Province shall pay (by a Tax to be levied on the Polls and Estates both Real and Personal within their Districts) the same Proportions of the said Sums as the said Towns and Districts shall have been taxed by the General Court in the Tax Act then next preceeding ; and the Province Treasurer is hereby fully impowred and directed some time in the Month of *June* in the Year one Thousand seven Hundred and fifty one, and one Thousand seven Hundred and fifty two, to issue and send forth his Warrants directed to the Select-Men or Assessors of each Town and District within this Province, requiring them to assess the Polls and Estates both Real and Personal within their several Towns and Districts for their respective Part and Proportion of the Sum before directed and engaged to be assessed by this Act ; and the Assessors as also Persons assessed, shall observe be governed by and subject to all such Rules and Directions as shall have been given in the next preceeding Tax Act. Tax for the Money here by emitted to be made according the preceding Tax Act in Case.

And

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And be it further enacted, That the Inhabitants of this Province shall have Liberty, if they see fit, to pay the several Sums for which they respectively may in pursuance of this Act be assessed in Bills of Credit of the Form and Tenor by this Act emitted, or in other new Tenor Bills, or in Bills of the middle Tenor according to their several Denominations, or in Bills of the old Tenor, accounting four for one, or in coined Silver at *seven Shillings and six Pence* per Ounce Troy Weight and of Sterling Alloy, or in Gold Coin proportionably, or in merchantable Hemp, Flax, Winter and Isle of *Sable* Cod-Fish, refined Bar Iron, Bloomery Iron, hollow Iron-Ware, Indian Corn, Rye, Wheat, Barley, Pork, Beef, Duck or Canvas, Whale-Bone, Cordage, Train-Oil, Bees-Wax, Bayberry-Wax, Tallow, Peas, Sheep's Wool, or tann'd Sole Leather, the aforesaid Commodities being of the Produce or Manufactures of this Province, at such moderate Rates and Prices as the General Assembly of the Years One Thousand seven Hundred and fifty one, and One Thousand seven Hundred and fifty two, shall set them at; the several Persons paying their Taxes in any of the Commodities aforementioned, to run the Risque and pay the Charge of transporting the said Commodities to the Province Treasury: But if the aforesaid General Assembly shall not at their Sessions in *May*, some Time before the twentieth Day of *June* in each Year, agree upon and set the aforesaid Species and Commodities at some certain Price, that then the eldest Councellors for the Time being, of each of those Counties in the Province of which any one of the Council is an Inhabitant, together with the Province-Treasurer, or the major Part of them, be a Committee, who hereby are directed and fully authorized and impowered to do it, and in their settling the Prices and rating the Value of those Commodities, to state so much of them respectively at *seven Shillings and six Pence* as an Ounce of Silver will purchase at that Time in the Town of *Boston*, and so *pro ratâ*: And the Treasurer is hereby directed to insert in the several Warrants by him sent to the several Collectors of the Taxes in each Year (with the Names of the afore-recited Commodities) the several Prices or Rates which shall be set on them, either by the General Assembly or the Committee aforesaid, and direct the aforesaid Collectors to receive them so; and the aforesaid Commodities so brought into the Treasury, shall as soon as may be, be disposed of by the Treasurer to the best Advantage for so much as they will fetch in Bills of Credit hereby to be emitted, or for Silver or Gold, which Silver and Gold shall be delivered to the Possessor of said Bills in exchange for them: *That is to say*, One Ounce of Silver Coin, and so Gold in Proportion, for *seven Shillings and six Pence*, and so *pro ratâ* for a greater or less Sum: And if any Loss shall happen by the Sale of the aforesaid Species, or by any unforeseen Accident, such Deficiency shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of *seventy Thousand Pounds* in said Bills hereby ordered to be emitted; and if there be a Surplusage, it shall remain a Stock in the Treasury.

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[*The five foregoing Acts were Published* July 9th 1745.]

CHAP.

CHAP. VI.

An Act to prevent unneceſſary Coſt being allowed to Parties and Witneſſes in the ſeveral Courts of Juſtice within this Province.

Preamble.

WHEREAS oftentimes there are ſeveral Plaintiffs or Defendants in one and the ſame Action, brought either to the Superiour Court, or the Inferiour Court of Common Pleas within the reſpective Counties, and in taxing the Bills of Coſt ariſing on ſaid Actions, all the Plantiffs or Defendants mentioned in the Writ ſo brought are allowed for their Attendance, altho' it frequently happens that only one of the Plantiffs or Defendants do actually attend, and ſometimes neither of them; and inaſmuch as an Allowance is ſometimes made for Witneſſes not ſummoned, or when ſummoned for much longer Time than ſuch Witneſſes have actually attended the Court, by which Means Bills of Coſt are exorbitantly enhanced:

For the Prevention whereof for the future:

Juſtices of the ſeveral Courts to allow Coſt but for one Perſon as Plaintiff or Defendant, except.

Be it enacted by the Governour, Council and Houſe of Repreſentatives, That from and after the Publication of this Act, neither the Juſtices of the Superiour Court nor the Juſtices of the Inferiour Court of Common Pleas in the reſpective Counties within this Province, ſhall in taxing any Bills of Coſt allow for the Attendance of more than one Perſon as Plantiff or Defendant, altho' there are more Plantiffs or Defendants than one in any Suit or Action, and appear by themſelves or by their Attorney or Attorneys (except where the Defendants plead ſeverally) and in Caſe of the actual Attendance of either Plantiff or Defendant they ſhall be allowed in the Bill of Coſt for no longer Time than they make evident to the Court the Number of Miles they Travel and Time of their Attendance as aforeſaid.

No Perſon filing a Complaint to be allowed for more than three Days Attendance.

And be it further enacted, That no Perſon filing a Complaint in the Superiour Court or Inferiour Court reſpectively for the Affirmation of a former Judgment, ſhall be allowed at any Time more than three Days Attendance in the Bills of Coſts to be taxed by ſaid Courts.

No Witneſs, not ſerved with a *Sub-Pæna*, to be allowed more than one Day's Attendance &c.

And be it further enacted, That no Witneſs giving his or her Depoſition in any Caſe (who ſhall not be ſerved with a *Sub-Pæna*) ſhall be allowed in the Bill of Coſts any more than one Day's Attendance, nor ſhall any Witneſs ſummoned to appear be allowed for more Days than ſuch Witneſs ſhall actually attend and make it evident to the Court where the Action ſhall be commenced, by their certifying on the *Sub-Pæna* the Number of Miles of their Travel and Time that he or ſhe has actually attended.

This Act to continue and be in Force for the Space of five Years from the Publication hereof, and no longer.

[*The foregoing Act was Publiſhed* July 11. 1745.]

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